



Attorney Docket No. 049212-0103

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bruce Bent et al.
Title: MONEY FUND BANKING SYSTEM
WITH MULTIPLE BANKS AND/OR
RATES

Application No.: 09/677,535

Filing Date: October 2, 2000

Examiner:

Art Unit: 3624

CERTIFICATE OF FACSIMILE TRANSMISSION
I hereby certify that this paper is being facsimile transmitted to
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Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF BRUCE BENT II

BRUCE BENT II declares:

I am the Vice Chairman and President of Registrant, Reserve Management Corporation, a New Jersey Corporation with a principal place of business at 1250 Broadway, New York, NY 10001 ("The Reserve," the assignee), and am authorized to make this Declaration on behalf of The Reserve. Except where indicated otherwise, I make this Declaration based on personal knowledge.

I submitted an October 17, 2006 Declaration in a trademark registration file for the mark "RESERVE INSURED DEPOSITS," which Declaration was also submitted in an Information Disclosure Statement filed on October 20, 2006 in the present patent application. I learned in the last several days there was an error in this Declaration. The statement in paragraph 3 ". . . nor were the Services even offered for sale or advertised on that date," was not correct. Specifically, I was informed several days ago, that although we have no record of this in our files, an advertisement from The Reserve for an "an insured money market account with free,

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unlimited, no minimum checking" appeared in an October 1997 issue of MUTUAL FUNDS, and actually was received in libraries in September 1997. See Exhibits A, B and C. However, this advertised account was not available in September 1997. In fact, the first testing to determine if the accounts could be operated took place on or after October 9, 1997, when a set of dummy accounts became available for testing. See Exhibit D. The dummy accounts are designated by the word "BRES" in Exhibit D. These accounts were set up with Chase Manhattan Bank by means of a September 1997 Agreement. The insured money market account with free, unlimited, no minimum checking referenced in this advertisement was intended to be implemented and was ultimately implemented to a first customer (which was a retail customer of The Reserve) on October 23, 1997, by means of a money market deposit account (MMDA) and a linked demand deposit account (DDA) in a single bank, the Chase Manhattan Bank, wherein requests for withdrawal were handled by messenger to allow unlimited withdrawals from the MMDA, and wherein each retail customer deposited directly to or withdrew funds directly from another DDA in the Chase Manhattan Bank.

As can be seen from the above, the product and service that was offered and ultimately made available by The Reserve to the retail customer on October 23, 1997, was not advertised for, nor did the ultimate product provided by The Reserve to a retail customer on October 23, 1997, have FDIC insurance for amounts above the FDIC limit of \$100,000 per individual account type. FDIC insurance above \$100,000 per individual account type is obtained by transferring money among multiple deposit accounts in multiple different banks.

All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further, these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

BRUCE BENT II

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Date: Feb 27, 2007

A handwritten signature in black ink, appearing to be "J. R. [unclear]", written over a horizontal line.

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